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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,696	11/06/2001	John Eric Arnold	DN1999111USA	1392
27280	7590	09/02/2005	EXAMINER	
THE GOODYEAR TIRE & RUBBER COMPANY INTELLECTUAL PROPERTY DEPARTMENT 823 1144 EAST MARKET STREET AKRON, OH 44316-0001			NGUYEN, XUAN LAN T	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/009,696	<b>Applicant(s)</b> ARNOLD ET AL.	
	<b>Examiner</b> Lan Nguyen	<b>Art Unit</b> 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - Claim 12 should be --An airspring (10) in accordance with claim 17 wherein the retainer comprising **said** support ribs **which have** more than two concentrically disposed ribs.--; since the support ribs have been claimed in claim 17.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 12 and 16-19 are rejected under 35 U.S.C. 102(b) as anticipated by Ecktmann et al. (USP 5,201,500).

Re: claim 1, Ecktmann et al. show an airspring, as in the present invention, comprising: a flexible cylindrical sleeve 10 secured at opposing ends, and first 2 and second 12, 20 retainers, the sleeve being secured at a first end to one of the retainers,

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and at the opposing end to other retainer as shown, the improvement being characterized by: one of the retainers 12, 20 having a bumper-contact surface, please see the marked up figure below, within the sleeve 10 for axial movement into the sleeve, the bumper-contact surface formed as a part of the retainer 12, 20 and which contacts the other retainer when the air spring is collapsed, and absorbs and transmits forces generated from such contact, the bumper contact surface being centrally located on the surface of the retainer which extends into the sleeve during axial movement into the sleeve.

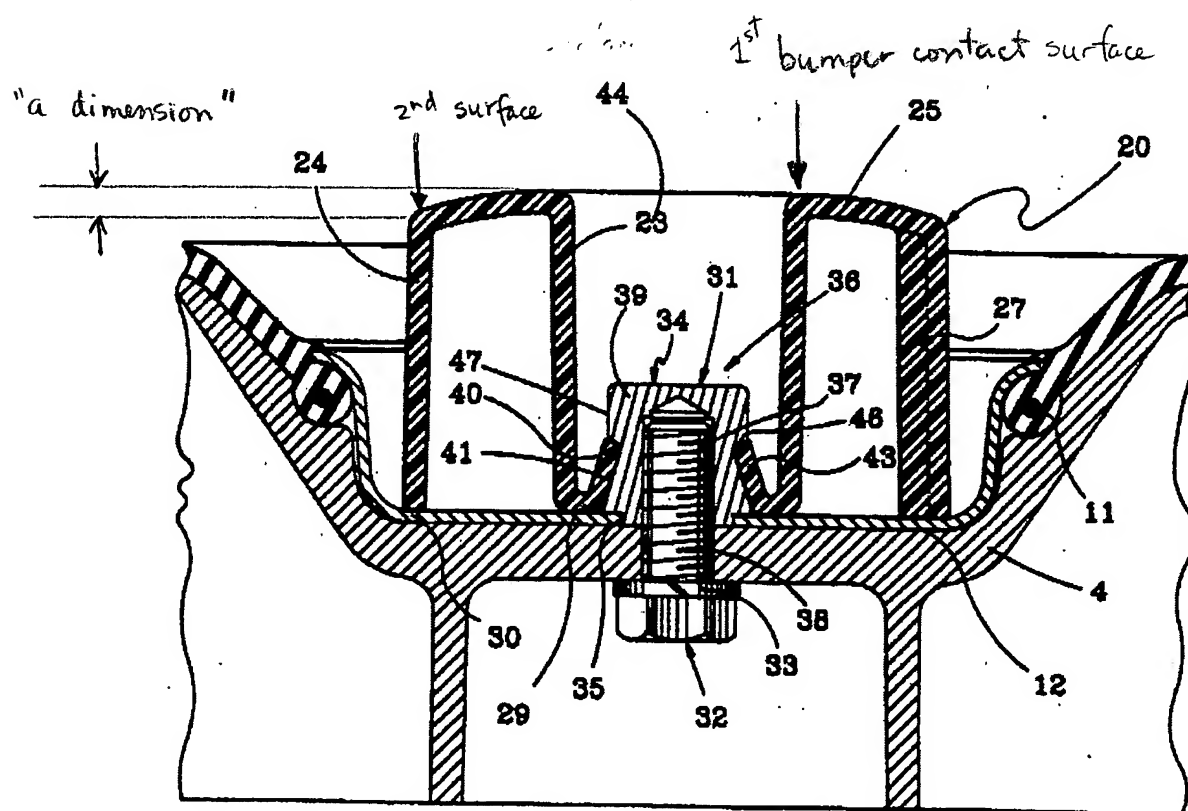


FIG. 4

Re: claims 2, 3 and 4, Ecktmann shows support ribs 43, 26, 27, 29, 30 wherein said ribs are substantially radially extending; and are a series of concentrically disposed.

Re: claim 5, Ecktmann shows the first contact surface to be closer to the center corresponds to rib 29, the second contact surface to be further out corresponds to rib 30 and are separated by a dimension, please see the marked up figure above.

Re: claim 7, Ecktmann shows piston 3, flexible sleeve 10 and bead rings 13 and 11.

Re: claim 16, Ecktmann et al. show an airspring, as in the present invention, comprising: a flexible sleeve 10 secured at opposing ends, a chamber 15 created by the secured sleeve, a piston 3, and first 2 and second 12, 20 retainers, the sleeve 10 being secured at a first end to one of the retainers 2, and an opposing end of the sleeve being secured between the piston 3 and the other retainer 12, 20, wherein: one of the retainers 12, 20 has a centrally located axially outer surface, please see marked up figure above, the axially outer surface extends into the chamber during axial movement, wherein the axially outer surface of the retainer 12, 20 contacts the other retainer 2 when the air spring is collapsed.

Re: claim 17, Ecktmann shows the retainer 12, 20 extends into the chamber 15 and ribs 43, 29, 30.

Re: claim 12, Ecktmann shows two concentrically disposed ribs 30, 29.

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Re: claim 18, Ecktman shows the retainer 12, 20 extends into the chamber 15 and the axially outer surface to be closer to the center corresponds to rib 29, a separate axially outer surface to be further out corresponds to rib 30 and are separated by a dimension, see marked up figure above.

Re: claim 19, Ecktman shows the axially outer contact surface to be closer to the center corresponds to rib 29.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ecktman et al.

Re: claims 6 and 14, Ecktman's air spring, as rejected in claims 1 and 18 above, lacks the separation dimension, as claimed. The Examiner takes an Official Notice that this is a design choice in order to absorb the impact gradually, the separation dimension can be designed in different height ratios depending on each application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have designed Ecktman's air spring with a separation dimension between 20% to 80% of the retainer height in order to satisfy a required damping capability gradually.

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Re: claim 20, Ecktman's air spring, as rejected in claim 16 above, lacks the "no separately formed and applied bumper". It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ecktman's air spring to comprise a retainer with no separately formed and applied bumper, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ecktman et al. in view of Koschinat et al. (USP 4,890,823).

Ecktman's airspring, as discussed in the rejection of claim 1 above, is silent of a material being used in the construction of the second retainer. Koschinat et al. teach the concept of using a glass fiber-reinforced plastic material in the construction of retainer 1, column 2, lines 7-18 to lighten the weight of the retainer as well as providing a non-corrosive retainer that could withstand the force of contact from the upper retainer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a glass fiber-reinforced plastic material such as taught by Koshinat in the construction of Ecktman's retainer in order to lighten the weight of the retainer as well as providing a non-corrosive retainer that could withstand the force of contact from the upper retainer. Regarding the claimed tensile and flex strengths in claim 8, these are considered design choices and would have been different to each airspring depending on the vehicle that the airspring is being designed.

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are found to be non-persuasive. Applicant's argument is more specific than the claim language. Applicant argues that the claimed limitation "formed as a part of the retainer" would mean the retainer and the bumper contact surface are formed together; i.e. cast, molded, formed or made as a single piece. The Examiner disagrees. Since the retainer has many parts, the bumper-contact surface is just one part of many. When Applicant further specifies the structure of the claimed retainer as in claim 20 to distinguish from Ecktman's retainer 12, 20, the rejection has been an obviousness rejection instead of a structural anticipation rejection. Applicant further argues that bumper 20 of Ecktman is not a retainer. The claim language of claims 1 and 16 does not exclude bumper 20 of Ecktman to be a part of the retainer 12, 20 as stated in the rejection. The rejection is still deemed and is repeated above.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen  
Primary Examiner  
Art Unit 3683

*Lan Nguyen* 8/20/05